



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,004	05/03/2001	Joris Jozef Gustaaf Tack	CM1930	8972
27752	7590	06/09/2004	EXAMINER	NGO, LIEN M
			ART UNIT	PAPER NUMBER
			3727	
				DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	CJ
	09/831,004 Examiner LIEN TM NGO	TACK ET AL. Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 4/12/04.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-15 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/14/04</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. (5,699,912) in view of Urano et al. (4,208,118)

Ishikawa et al. disclose, in figs. 11 and 14, a container for wetted wipes comprising a container body 11, a stationary cover 21 having a dispensing opening 24, a movable lid 23, a spring element 50, a locking mechanism comprising a protrusions 32, 52a of the stationary cover and the movable lid, and a push-button 52. The spring element is made of rubber material (see col. 5, lines 37-40). The lid further comprises an edge 35 positioned into a groove adjacent to the dispensing opening for closing the opening.

Ishikawa et al. do not disclose a gasket seal fitted into a groove. It is well known in the art to provide a gasket seal fitted into a groove where an edge of lid closes a receptacle opening for enhancing the sealing between the lid and the receptacle. For example, Urano et al. disclose, in figs 7 and 8, a gasket seal 2 being located between a cover and a movable lid, wherein the gasket seal fitted into a groove on the cover.

Art Unit: 3727

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Ishikawa et al container with a gasket seal positioned fitted into the groove, in view teaching of Urano, in order to enhance the sealing between the lid and the receptacle.

In regard to claim 9, gasket seal is made out of silicone elastomer is well known in the art.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa in view of Urano et al. and further in view of Taguchi et al. (4,513,877). Ishikawa in view of Urano et al do not disclose the spring element being a metallic winding coil. Taguchi et al. teach a hinge bias spring element being a winding coil. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the spring element in Ishikawa in view of Urano et al container being a metal winding coil, as taught by Taguchi et al., in order to provide a desired spring element for the biasing hinge of container cover.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa in view of Urano et al. and further in view of Boedecker (3,994,441) or Kanfer et al. (5,573,132). Ishikawa in view of Urano et al. does not disclose the bottom of the container comprising a refill opening being closed by a removable cover.

Boedecker or Kanfer et al. teach a bottom of a container comprising a refill opening being closed by a removable cover.

5. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Ishikawa in view of Urano et

Art Unit: 3727

having the bottom of the container comprising a refill opening being closed by a removable cover, as taught by Boedecker or Kanfer et al., in order to facilitate the refill of the container at the container bottom.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huang et al., Hackworth, Jinkins, Schwanke et al., and Chieng teach gasket seals fitted into grooves for enhancing the sealing between containers and lids.

Response to Arguments

7. Applicant's arguments filed 4/12/04 have been fully considered but they are not persuasive.

Applicant argues that there is not motivation to combine the references. A motivation to combine the references had been provided in the office action dated 12/29/03; however, the motivation has been modified in this office action (see paragraph 2 above) to clearly establish a *prima facie* case of obviousness to combine the references.

In response to applicant's argument that Urano reference is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Ishikawa reference discloses the

invention substantially as claimed, except Ishikawa does not disclose a gasket seal fitted into a groove.

It is well known in the art to provide a gasket seal fitted into a groove where an edge of lid closes a receptacle opening for enhancing the sealing between the lid and the receptacle. For example, Urano et al. disclose, in figs 7 and 8, a gasket seal 2 being located between a cover and a movable lid, wherein the gasket seal fitted into a groove on the cover.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Ishikawa et al container with a gasket seal positioned fitted into the groove, in view teaching of Urano, in order to enhance the sealing between the lid and the receptacle.

Applicant further argues that the combination of references is improper because the no need of a gasket seal provided in the Ishikawa container since the container has been described "tightly engaged". However, that is not found convincing because it well known in the art to provide a gasket adjacent to a sealing position between a container and a lid in order to enhance the sealing, as taught by Urano and other references that are listed in the paragraph 6 above.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3727

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3727

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 703-305-0294. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEE YOUNG can be reached on 703-308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lien Ngo

June 4, 2004

A handwritten signature in black ink, appearing to read "Lien Ngo". The signature is fluid and cursive, with a distinct upward flourish at the end.